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**OFFICE OF PETITIONS**

In re Application of

Johnsen, et al.

Application No. 09/714,956

Filed: November 20, 2000

Attorney Docket No. 3842-5

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed July 29, 2004.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on March 2, 2004, after it was believed that no response was received to the non-final Office action mailed December 1, 2003. The non-final Office action allowed a period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on July 26, 2004, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that an amendment responsive to the non-final Office action was transmitted via facsimile on March 1, 2004. A copy of the amendment containing a certificate of facsimile transmission dated March 1, 2004, and noting eighteen pages as having been successfully transmitted to the USPTO central fax line on March 1, 2004, accompanied the petition.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

Deposit account 14-1140 will be refunded the amount of \$130.00 that it was charged on July 29, 2004.

The application file is being forwarded Technology Center 2100, GAU 2174, for further processing.

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